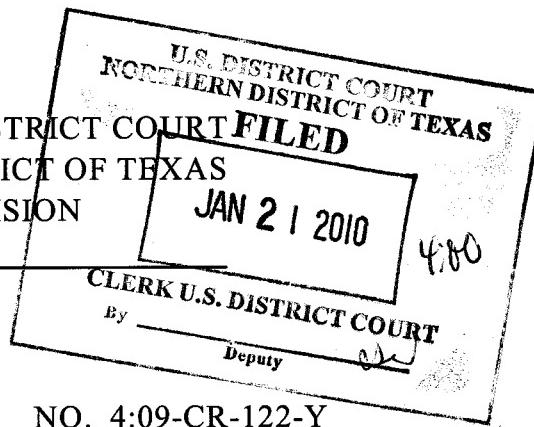


ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION



UNITED STATES OF AMERICA §
§
v. §
§
JUAN CARLOS GAONA-RODRIGUEZ (3) §
§

NO. 4:09-CR-122-Y

FACTUAL RESUME

INDICTMENT:

Count One – Possession with Intent to Distribute a Controlled Substance, in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(B).

PLEA:

Count One – Possession with Intent to Distribute a Controlled Substance, in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(B).

PENALTIES:

On Count One of the Indictment, charging Possession with Intent to Distribute a Controlled Substance, in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(B), the court may impose the following penalties:

- a. imprisonment for a period not less than five (5) years nor more than forty (40) years;
- b. a fine not to exceed \$2,000,000, or both fine and imprisonment;
- c. a term of supervised release of not less than four (4) years; if the defendant violates any condition of the term of supervised release, the Court may

revoke such release term and require that the defendant serve any or all of such term as an additional period of confinement. The effect of a revocation of a term of supervised release is to make the overall period of incarceration longer. If the conditions of supervised release are revoked on multiple counts, the Court could order that the resulting terms of incarceration run consecutively to one another

- d. a mandatory special assessment of \$100;
- e. costs of incarceration and supervision; and
- f. forfeiture of money and property.

ELEMENTS OF THE OFFENSE:

In order to establish the guilt of the defendant of the offense of Possession with Intent to Distribute a Controlled Substance, in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(B), as alleged in Count One of the Indictment, the Government must prove each of the following elements beyond a reasonable doubt:

- First:* That on or about the date alleged in the indictment, the defendant knowingly possessed a controlled substance;
- Second:* That the controlled substance was in fact cocaine;
- Third:* That the defendant possessed the cocaine with the intent to distribute it;
- Fourth:* That the quantity of the substance was at least 500 grams or more.

STIPULATED FACTS:

On or about August 24, 2009, in the Fort Worth Division of the Northern District of Texas, and elsewhere, the defendant knowingly possessed with the intent to distribute 500 grams or more of a mixture or substance containing a detectable amount of cocaine, a schedule II controlled substance.

At approximately 5:28 p.m. on August 24, 2009, at the direction of co-defendant Salvador Manuel Garcia-Covarrubias, a Confidential Source, working at the direction of the DEA, went to the home of the co-defendant Patricia Morales and bought 2 kilograms of cocaine. The defendant was the source of the cocaine. After the purchase, the defendant, Garcia-Covarrubias, and Morales got into a vehicle with a Coca Cola box containing cocaine. Garcia carried the cocaine to the vehicle. Fort Worth Police officers stopped the vehicle, searched it, and found 2066 grams of cocaine. The defendant, Garcia-Covarrubias and Morales were arrested.

AGREED AND STIPULATED on this 21st Day of January, 2010.

Juan C. Gaona
Juan Carlos Gaona-Rodriguez
Defendant


John Read
Attorney for Defendant